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SUBJECT: EQUATORIAL GUINEA -- 2009 TIP REPORT: PRESS

GUIDANCE AND DEMARCHE

REF: A. (A) STATE 59732
1B. (B) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Equatorial Guinea (EG) of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of EG, and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of EG of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about

which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of EG's country narrative in the 2009 TIP Report:

Equatorial Guinea (TIER 2 Watch List)

Equatorial Guinea has been primarily a destination for children trafficked for the purposes of forced labor and possibly for the purpose of sexual exploitation. Children are believed to be trafficked from nearby countries, primarily Nigeria, Benin, Cameroon, and Gabon for domestic servitude, market labor, ambulant vending, and other forms of forced labor, such as carrying water and washing laundry. Most victims are believed to be trafficked to Malabo and

STATE 00060554 002 OF 005

Bata, where a burgeoning oil industry created demand for labor and commercial exploitation. Women may also have been trafficked to Equatorial Guinea from Cameroon, Benin, other neighboring countries, and China for labor or sexual exploitation. In the last year, there was a report that women of Equatoguinean extraction were also trafficked to Iceland for commercial sexual exploitation.

The Government of Equatorial Guinea does not fully comply with the minimum standards for the elimination of trafficking; however it is making significant efforts to do so. The government continued to provide anti-trafficking training to law enforcement officials and to maintain police stations in open air markets to monitor situations of child labor exploitation. The government has also publicly denounced human trafficking. Despite these efforts, the government did not show evidence of progress in prosecuting trafficking offenders or providing protection to victims, and therefore, Equatorial Guinea is placed on Tier 2 Watch List. While the government has the financial resources to address trafficking, its efforts to combat trafficking remained weak, in part because of its crippled judiciary.

Recommendations for Equatorial Guinea: Make greater use of the country's 2005 anti-trafficking law and law enforcement and judicial personnel to investigate, prosecute and convict trafficking offenders; train additional law enforcement officials and Conciliation Delegates to follow formal procedures to identify trafficking victims among child laborers, illegal immigrants, and women and/or girls in prostitution; establish a formal system for providing trafficking victims with assistance; cease deportation of any foreign trafficking victims from Equatoguinean territory without providing them with care and safe and voluntary repatriation; and increase efforts to raise public awareness about trafficking.

Prosecution

The Government of Equatorial Guinea demonstrated law enforcement efforts to combat trafficking during the reporting period. The government prohibits all forms of trafficking through its 2004 Law on the Smuggling of Migrants and Trafficking in Persons, which carries adequate prescribed penalties of 10 to 15 years, imprisonment. However, no human trafficking cases have yet been prosecuted under the relevant portion of this law. Police stationed at posts

within open-air markets continued to monitor vendor activity for child labor exploitation, though during the reporting period, the government did not report any investigations or arrests of suspected trafficking violators. The government continued to fund anti-trafficking training seminars for police and navy officers provided by a foreign contractor. In the last year, the contractor has trained 590 additional officers in specific, anti-trafficking sessions included in a broader training program. The government distributed to law enforcement officials a wallet-sized checklist of steps to take when presented with any potential crime; the guidance is not specific to human trafficking crimes but was triggered by related concerns. The steps include indentifying and investigating the crime, detaining the suspect, notifying appropriate officials, assisting the victims, and launching judicial action. In the last year, the government has instituted photograph and fingerprinting procedures at airports in Malabo and Bata, in order to aid identification and possible prosecutions in suspected trafficking cases.

Protection

The Government of Equatorial Guinea demonstrated inadequate efforts to protect trafficking victims in the last year. The government has not yet implemented victim care shelters or other organized victim care mechanisms. Two proposed women,s shelters, which the government has indicated will double as trafficking victims shelters, have not been constructed. The government did not employ formal procedures for identifying and providing care to trafficking victims. During the year, the government reported no cases in which it provided victims with care or collaborated with NGOs to provide victim assistance. Authorities reported that victims of cross-border trafficking are sometimes removed from Equatoguinean-Guinean territory without being provided with any assistance. Along with posters for police stations and security checkpoints, the government distributed to law enforcement officials a wallet-sized checklist specifically addressing the needs of trafficking victims, including shelter, medical attention, clothing, food, translations services, a consular visit, and legal assistance. No systems have yet been put into place to provide victims with these services. During the year, the government reached out to a foreign donor to request technical assistance in developing a system for providing victim care.

The Ministry of Social Affairs has primary responsibility for

STATE 00060554 003 OF 005

providing care to destitute children in the country, but it did not have staff trained to care for trafficking victims during the last year. The Ministry employs over 100 Conciliation Delegates, community workers who assist victims of abuse. In the course of their duties, these workers sometimes educate families about the dangers of child labor, but they did not employ procedures to identify trafficking victims among vulnerable populations. The government did not encourage victims to assist in trafficking investigations or prosecutions, nor, in the absence of cases, did it provide legal alternatives to the removal of foreign victims to countries where they may have faced hardship or retribution.

Prevention

The Government of Equatorial Guinea demonstrated some progress in raising awareness about trafficking. During the year, the President of Equatorial Guinea made two public announcements recognizing the need for increased counter-trafficking activity. The government took steps to reduce the demand for commercial sex acts, with law enforcement officials regularly visiting night clubs, hotels and restaurants to monitor for illegal commercial sex activities.

¶9. Post may wish to deliver the following points, which offer

technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 13. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to

STATE 00060554 004 OF 005

Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on

non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

110. Posts should make sure that the relevant country narrative is readily available on or though the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

111. The following is press guidance provided for Post to use with local media.

Q1: Why did Equatorial Guinea remain on the Tier 2 WL?

A: The Government of Equatorial Guinea does not fully comply with the minimum standards for the elimination of trafficking; however it is making significant efforts to do so. The government continued to provide anti-trafficking training to law enforcement officials and to maintain police stations in open air markets to monitor situations of child labor exploitation. The government has also publicly denounced human trafficking. Despite these efforts, the government did not show evidence of progress in prosecuting trafficking offenders or providing protection to victims, and therefore, Equatorial Guinea is placed on Tier 2 Watch List.

Q2: What progress has Equatorial Guinea made in the last year?

A: Police stationed at posts within open-air markets

continued to monitor vendor activity for child labor exploitation and the government continued to fund anti-trafficking training seminars provided by a foreign contractor for police and navy officers. In the last year, the contractor has trained 590 officers in specific, anti-TIP sessions included in a broader training program. Along with

STATE 00060554 005 OF 005

posters for police stations and security checkpoints, the government distributed to law enforcement officials a wallet-sized checklist specifically addressing the needs of trafficking victims, including shelter, medical attention, clothing, food, translations services, a consular visit, and legal assistance. During the year, however, the government reached out to a foreign donor to request technical assistance for providing victim care. During the year, the President of Equatorial Guinea made two public announcements recognizing the need for increased counter-trafficking activity.

Q3: What can Equatorial Guinea do to further the fight against trafficking in persons?

A: Make greater use of the country's 2005 anti-trafficking law and law enforcement and judicial personnel to investigate, prosecute and convict trafficking offenders; train additional law enforcement officials and Conciliation Delegates to follow formal procedures to identify trafficking victims among child laborers, illegal immigrants, and women and/or girls in prostitution; establish a formal system for providing trafficking victims with assistance; cease deportation of any foreign trafficking victims from Equatoguinean territory without providing them with care and safe and voluntary repatriation; and increase efforts to raise public awareness about trafficking.

A: Increase efforts to investigate, prosecute, and convict traffickers; develop systematic procedures for identifying trafficking victims among women and girls in prostitution; step up efforts to educate government officials about trafficking, particularly child sex trafficking; intensify efforts to provide care to trafficking victims by making available funds allocated for construction of victim shelters; ensure that trafficking victims are not penalized for acts committed as a direct result of being trafficked.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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